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ORDINANCE AND CODE REGULATING EATING AND DRINKING ESTABLISHMENTS RECOMMENDED BY THE U.S. PUBLIC HEALTH SERVICE

Public Health Service
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CONTENTS

	Page
Preface	iii
Part I. Short enabling form of ordinance regulating eating and drinking establishments	1
Part II. Unabridged form of ordinance regulating eating and drinking establishments	5
Part III. Code regulating eating and drinking establishments	11

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PREFACE

The following ordinance and code regulating eating and drinking establishments is recommended by the U. S. Public Health Service for adoption by States, municipalities, and health districts in order to encourage a greater uniformity and a higher level of excellence in the sanitary control of eating and drinking establishments.

This ordinance and code embodies the latest information at present available on legislation relating to the public health supervision of eating and drinking establishments, but should be considered subject to change as improvements are developed.

In order that it may have at its command the technical advice of a comprehensive group of experts in the various phases of environmental sanitation, the United States Public Health Service has appointed a board of consultants, termed the "Public Health Service Sanitation Advisory Board", composed of the following members:

Mr. H. A. Whittaker, director, division of sanitation, State health department, Minneapolis, Minn., chairman.

Mr. C. A. Abele, director, bureau of inspection, State health department, Montgomery, Ala., member.

Dr. Paul B. Brooks, deputy commissioner of health, State health department, Albany, N. Y., member.

Mr. W. D. Dotterrer, Bowman Dairy Co., 140 West Ontario St., Chicago, Ill., member.

Mr. V. M. Ehlers, director, bureau of sanitary engineering, State board of health, Austin, Texas, member.

Mr. Alfred H. Fletcher, City health department, Memphis, Tenn., member.

Dr. John G. Hardenbergh, Walker-Gordon Laboratory Co., Inc., Plainsboro, N. J., member.

Mr. Henry F. Judkins, Sealtest, Inc., 230 Park Avenue, New York, N. Y., member.

Mr. H. A. Kroeze, director, bureau of sanitary engineering, State board of health, Jackson, Miss., member.

Mr. Paul F. Krueger, Board of Health, Chicago, Ill., member.

Mr. Geo. W. Putnam, creamery Package Mfg. Co., Chicago, Ill., member.

Mr. Seth W. Shoemaker, 825 Sunset St., Scranton, Pa., member.

Mr. A. W. Fuchs, Senior Sanitary Engineer, Sanitation Section, U. S. Public Health Service, Washington, D. C., Secretary.

Advantage has been taken of the recommendations of the Advisory Board in preparing this edition of the ordinance and code.

One alternative form of the ordinance provides for grading and degrading of restaurants and permits enforcement by degrading or permit revocation or both. The other alternative form is of the non-grading type which provides for only a single set of minimum requirements for all restaurants (except itinerant restaurants), and uses exclusively the permit revocation method of enforcement. Two short enabling forms of the ordinance are presented in Part I, alternative short form A being of the grading type and alternative short form B of the non-grading type. In the unabridged ordinance presented in Part II, the grading form is obtained by deleting the parentheses signs; and the non-grading form is obtained by the deletion of the words referring to grading, shown within parentheses.

It will be noted that the sanitation requirements for grade A restaurants in the grading form of the ordinance are identical with the minimum requirements in the non-grading form.

The code, Part III, should be used as the legal interpretation of the ordinance. It serves to unify the interpretation of the ordinance and therefore to minimize enforcement misunderstandings. It will be noted that section 12 specifies that the ordinance shall be enforced in accordance with the interpretations thereof contained in the code.

PART I

SHORT ENABLING FORM OF U. S. PUBLIC HEALTH SERVICE ORDINANCE REGULATING EATING AND DRINKING ESTABLISHMENTS

(This short form is suggested for adoption by States, municipalities, counties, or health districts, subject to the approval of the local legal authority, to reduce cost of publication and to promote keeping the restaurant ordinance up to date. In many States the adoption of such short form is considered legal.)

ALTERNATIVE SHORT FORM A--GRADING TYPE ENFORCEABLE BY DEGRADING OR PERMIT REVOCATION OR BOTH[1]

An ordinance to regulate the inspection, grading, regrading, and placarding of eating and drinking establishments, the issuing and revocation of permits for the operation of such establishments, the enforcement of this ordinance, and the fixing of penalties; and prohibiting the sale of adulterated, misbranded, or unwholesome food and drink.

The _____ of _____ ordains:

SECTION 1. The inspection, grading, regrading, and placarding of eating and drinking establishments within the _____ of _____, or its police jurisdiction, the issuing and revocation of permits for the operation of such establishments, the sale of adulterated, misbranded, or unwholesome food and drink, the enforcement of this ordinance, and the fixing of penalties shall be regulated in accordance with the terms of the unabridged form of the 1940 edition of the U. S. Public Health Service Ordinance regulating eating and drinking establishments, a certified copy of which shall be on file in the office of the City Clerk: Provided, That the blank spaces following the words "city of" in said Public Health Service ordinance shall be understood to refer to the _____ of _____: Provided further, That in said ordinance all parentheses signs, which enclose words referring to grading, shall be understood to be deleted: Provided further, That sections 7, 13, and 14 of said Public Health Service ordinance shall be replaced, respectively, by sections 2, 3, and 4 below.

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[1]Communities which wish to adopt the short form of the non-grading type of ordinance, and to restrict the health officer to the permit revocation method of punishing violations, should adopt alternative Form B below.

[2]Municipalities, counties, and health districts in which the adoption of legislation by reference is not considered legal may delete the remainder of Section 1 after "shall" and substitute the following: "conform with the regulations which the health officer (or Board of Health) of the _____ of _____ may adopt, under authority hereby conferred." If the regulations adopted by the health officer conform to the 1940 edition of the U. S. Public Health Service ordinance regulating eating and drinking establishments, said community will be considered as having adopted the ordinance.

SECTION 2. From and after 12 months from the date on which this ordinance takes effect no restaurants shall be operated within the _____ of _____, or its police jurisdiction, except grade A, grade B[1], or approved itinerant restaurants: Provided, That when any restaurant fails to qualify for any of these grades the health officer is authorized to revoke the permit or in lieu thereof to degrade the restaurent and permit its operation during a temporary period not exceeding 30 days.

SECTION 3. Any person, firm, or corporation violating any provisions of this ordinance shall upon conviction be punished by _____ _____.

SECTION 4. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed; and this ordinance shall take effect _____ _____ its adoption and publication.

_____

[1]Municipalities in position to do so may delete ", grade B,".

ALTERNATIVE SHORT FORM B--NON-GRADING TYPE
ENFORCEABLE BY PERMIT REVOCATION ONLY

An ordinance to regulate the inspection of eating and drinking establishments, the issuing and revocation of permits for the operation of such establishments, the enforcement of this ordinance, and the fixing of penalties; and prohibiting the sale of adulterated, misbranded, or unwholesome food and drink.

The_____of_____ordains:

SECTION 1. The inspection of eating and drinking establishments within the_____of_____, or its police jurisdiction, the issuing and revocation of permits for the operation of such establishments, the sale of adulterated, misbranded, or unwholesome food and drink, the enforcement of this ordinance, and the fixing of penalties shall be regulated in accordance with the terms of the unabridged form of the 1940 edition of the U. S. Public Health Service Ordinance regulating eating and drinking establishments, a certified copy of which shall be on file in the office of the City Clerk: Provided, That the blank spaces following the words "city of" in said Public Health Service ordinance shall be understood to refer to the_____of_____; Provided further, That in said ordinance all words within parentheses, referring to grading, shall be understood to be deleted: Provided further, That sections 7, 13, and 14 of said Public Health Service ordinance shall be replaced, respectively, by sections 2, 3, and 4 below.

SECTION 2. From and after 12 months from the date on which this ordinance takes effect no restaurant shall be operated within the_____of _____, or its police jurisdiction, unless it conforms with the requirements of said ordinance: Provided, That when any restaurant fails to qualify the health officer is authorized to revoke the permit.

SECTION 3. Any person, firm, or corporation violating any provisions of this ordinance shall upon conviction be punished by_____.

SECTION 4. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed; and this ordinance shall take effect_____ _____its adoption and publication.

_____

Municipalities, counties, and health districts in which the adoption of legislation by reference is not considered legal may delete the remainder of Section 1 after "shall" and substitute the following: "conform with the regulations which the health officer (or Board of Health) of the_____of_____ may adopt, under authority hereby conferred." If the regulations adopted by the health officer conform to the 1936 edition of the U. S. Public Health Service ordinance regulating eating and drinking establishments, said city will be considered as having adopted the ordinance.

PART II

U. S. PUBLIC HEALTH SERVICE ORDINANCE REGULATING EATING AND DRINKING ESTABLISHMENTS

(This unabridged form of the ordinance should be adopted only where the short enabling form in Part I is not considered legal.)

An ordinance defining restaurant, itinerant restaurant, employee, utensils, health officer, etc., requiring permits for the operation of such establishments, prohibiting the sale of adulterated, unwholesome or misbranded food or drink, regulating the inspection (grading, regrading, and placarding)[1] of such establishments, the enforcement of this ordinance, and the fixing of penalties.

Be it ordained by the_____of the city[2] of_____as follows:

SECTION 1. Definitions.- The following definitions shall apply in the interpretation and the enforcement of this ordinance:

A. Restaurant.- The term "restaurant" shall mean restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, and all other public eating and drinking establishments, as well as kitchens in which food and drink are prepared for sale elsewhere to the public.

B. Itinerant restaurant.- The term "itinerant restaurant" shall mean one operating for a temporary period in connection with a fair, carnival, circus, public exhibition, or other similar gathering.

C. Employee.- The term "employee" shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed at any time in a room in which food or drink is prepared or served.

D. Utensils.- "Utensils" shall include any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

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[1] Municipalities which wish to adopt the non-grading type of ordinance and to restrict the health officer to the permit revocation method of punishing violations should delete all words within parentheses throughout the ordinance. Municipalities desiring to adopt the grading type of ordinance, enforceable by degrading or permit revocation or both, should instead delete such parentheses signs throughout the ordinance.

[2] Substitute proper legal jurisdiction here and in all similar places throughout the ordinance.

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E. Health officer.- The term "health officer" shall mean the _____[1] of the city of _____ or his authorized representative.

F. Person.- The word "person" shall mean person, firm, corporation, or association.

SECTION 2. Permits.- It shall be unlawful for any person to operate a restaurant in the city of _____ who does not possess an unrevoked permit from the health officer and in whose place of business such permit is not posted in a conspicuous place. Only persons who comply with the requirements of this ordinance shall be entitled to receive and retain such a permit. A person conducting an itinerant restaurant may, in the discretion of the health officer, be exempted from the requirement of securing a permit.

Such a permit may be suspended by the health officer, or revoked after an opportunity for a hearing by the health officer, upon the violation by the holder of any of the terms of this ordinance.

(SECTION 3. Placarding or public display of grade notice.- Every restaurant shall display at all times in a place designated by the health officer, a notice approved by the health officer, stating the grade of the establishment.)

SECTION 4. Examination and condemnation of unwholesome or adulterated food or drink.- Samples of food and drink may be taken and examined by the health officer as often as he deems necessary for the detection of unwholesomeness or adulteration. The health officer may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which he deems unwholesome or adulterated.

SECTION 5. Inspection of restaurants.- At least once every 6 months the health officer shall inspect every restaurant located within the city of _____. In case the health officer discovers the violation of any item of sanitation required for the grade then held, he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the (grade)[2] requirements of this ordinance. Any violation of the same item of this ordinance on two consecutive inspections shall call for immediate (degrading or)[2] suspension of permit.

One copy of the inspection report shall be posted by the health officer upon an inside wall of the restaurant, and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the health department.

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[1] Insert title of legally constituted health authority.

[2] See footnote 1, p. 5.

SECTION 6. (The grading of restaurants.- The grading of all restaurants shall be based upon the following standards.)[1]

Sanitation requirements for (grade A)[1] restaurants.- All (grade A)[1] restaurants shall comply with all of the following items of sanitation.

ITEM 1. Floors.- The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

ITEM 2. Walls and ceilings.- Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

ITEM 3. Doors and windows.- When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

ITEM 4. Lighting.- All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.

ITEM 5. Ventilation.- All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated.

ITEM 6. Toilet facilities.- Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees, conforming with the ordinances of the city of _____ _____. In restaurants hereafter constructed toilet rooms shall not open directly into any room in which food, drink, or utensils are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees. In case privies or earth closets are permitted and used, they shall be separate from the restaurant building, and shall be of a sanitary type constructed and operated in conformity with the standards of the State board of health.

ITEM 7. Water supply.- The water supply shall be easily accessible to all rooms in which food is prepared or utensils are washed, and shall be adequate, and of a safe sanitary quality.

ITEM 8. Lavatory facilities.- Adequate and convenient hand-washing facilities shall be provided, including warm water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

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[1]See footnote 1, p. 5.

ITEM 9. Construction of utensils and equipment.- All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair.

ITEM 10. Cleaning and bactericidal treatment of utensils and equipment.- All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once.

All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

ITEM 11. Storage and handling of utensils and equipment.- After bactericidal treatment no utensil shall be stored except in a clean dry place protected from flies, dust, or other contamination, and no utensil shall be handled except in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean dry place until used, and shall be handled in a sanitary manner.

ITEM 12. Disposal of wastes.- All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such manner as not to become a nuisance.

ITEM 13. Refrigeration.- All readily perishable food or drink shall be kept at or below 50° F. except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of.

ITEM 14. Wholesomeness of food and drink.- All food and drink shall be wholesome and free from spoilage. All milk, fluid milk products, ice cream, and other frozen desserts served shall be from sources approved by the health officer. Milk and fluid milk products shall be served in the original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device: Provided, That this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service. All oysters, clams, and mussels shall be from approved sources.

ITEM 15. Storage and display of food and drink.- All food and drink shall be so stored and displayed as to be protected from dust, flies, vermin, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies shall be used.

ITEM 16. Cleanliness of employees.- All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment.

ITEM 17. Miscellaneous.- The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

(Grade B restaurants.- Grade B restaurants are those which fail to comply with item 1, 2, 4, 5, or 17, but which conform with all other items of sanitation required for grade A restaurants.)[1]

(Grade C restaurants.- Grade C restaurants are those which fail to comply with either the grade A or the grade B requirements.)[1]

Itinerant restaurants.- Itinerant restaurants shall be constructed and operated in a manner approved by the health officer.

SECTION 7. (Grades of)[1] restaurants which may operate.- From and after 12 months from the date on which this ordinance takes effect no restaurant shall be operated within the city of _____, or its police jurisdiction, unless it conforms with the (grade A, or grade B[2], or approved itinerant restaurant)[1] requirements of this ordinance: Provided, That when any restaurant fails to qualify (for any of these grades)[1] the health officer is authorized to revoke the permit (or in lieu thereof to degrade the restaurant and permit its operation during a temporary period not exceeding 30 days)[1].

SECTION 8. Reinstatement of permit (; supplementary regrading)[1].- Any restaurant (the grade of which has been lowered and all grade displays have been changed accordingly, or)[1] the permit of which has been suspended may at any time make application for (regrading or)[1] the reinstatement of the permit.

Within one week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated item or items of the specifications have been conformed with, the health officer shall make a reinspection, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the (higher grade)[1] requirements, and, in case the findings indicate compliance, shall (award the higher grade or)[1] reinstate the permit.

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[1]See footnote 1, p. 5.

[2]Municipalities in position to do so may delete ", or grade B,".

SECTION 9. Poisonous substances.- No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleansing or polishing of utensils.

SECTION 10. Notification of disease.- Notice shall be sent to the health officer immediately by the restaurant manager or by the employee concerned if he or any employee contracts any infectious, contagious, or communicable disease, or has a fever, a skin eruption, a cough lasting more than 3 weeks, or any other suspicious symptom. It shall be the duty of any such employee to notify the restaurant manager immediately when any of said conditions obtain, and if neither the manager nor the employee concerned notifies the health officer immediately when any of said conditions obtain they shall be held jointly and severally to have voilated this section. A placard containing this section shall be posted in all toilet rooms.

SECTION 11. Procedure when infection suspected.- When suspicion arises as to the possibility of transmission of infection from any restaurant employee the health officer is authorized to require any or all of the following measures: (1) the immediate exclusion of the employee from all restaurants; (2) the immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the health officer; (3) adequate medical examinations of the employee and his associates, with such laboratory examinations as may be indicated.

SECTION 12. Enforcement interpretation.- This ordinance shall be enforced by the health officer in accordance with the interpretations thereof contained in the 1940 edition of the U. S. Public Health Service Code Regulating Eating and Drinking Establishments, a certified copy of which shall be on file at the City Clerk's office.[2]

SECTION 13. Penalties.- Any person who violates any provision of this ordinance shall be fined not more than _____ at the discretion of the court having jurisdiction. Each and every violation of the provisions of this ordinance shall constitute a separate offense.

SECTION 14. Repeal and date of effect.- All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect immediately upon its adoption and its publication as provided by law.

SECTION 15. Unconstitutionality clause.- Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason the remainder of said ordinance shall not be affected thereby.

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[2]See footnote 2, p. 1.

PART III

U. S. PUBLIC HEALTH SERVICE CODE
REGULATING EATING AND DRINKING ESTABLISHMENTS

(To be used as the legal interpretation of the ordinance)

An ordinance defining restaurant, itinerant restaurant, employee, utensils, health officer, etc., requiring permits for the operation of such establishments, prohibiting the sale of adulterated, unwholesome or misbranded food or drink, regulating the inspection (, grading, regrading, and placarding)[1] of such establishments, the enforcement of this ordinance, and the fixing of penalties.

Be it ordained by the _____ of the city of _____ as follows:

SECTION I. DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this ordinance:

A. Restaurant.- The term "restaurant" shall mean restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, and all other public eating and drinking establishments, as well as kitchens in which food and drink are prepared for sale elsewhere to the public.

B. Itinerant restaurant.- The term "itinerant restaurant" shall mean one operating for a temporary period in connection with a fair, carnival, circus, public exhibition, or other similar gathering.

For sanitation requirements for itinerant restaurant see end of section 6.

C. Employee.- The term "employee" shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed at any time in a room in which food or drink is prepared or served.

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[1]Municipalities which wish to adopt the non-grading type of ordinance and to restrict the health officer to the permit revocation method of punishing violations should delete all words within parentheses throughout the ordinance. Municipalities desiring to adopt the grading type of ordinance, enforceable by degrading or permit revocation or both, should instead delete such parentheses signs throughout the ordinance.

[2]Substitute proper legal jurisdiction here and in all similar places throughout the ordinance.

D. Utensils.- "Utensils" shall include any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

E. Health officer.- The term "health officer" shall mean the _____[1] of the city of _____ or his authorized representative.

F. Person.- The word "person" shall mean person, firm, corporation or association.

SECTION 2. PERMITS

It shall be unlawful for any person to operate a restaurant in the city of _____ who does not possess an unrevoked permit from the health officer and in whose place of business such permit is not posted in a conspicuous place. Only persons who comply with the requirements of this ordinance shall be entitled to receive and retain such a permit. A person conducting an itinerant restaurant may, in the discretion of the health officer, be exempted from the requirement of securing a permit.

Such a permit may be suspended by the health officer, or revoked after an opportunity for a hearing by the health officer, upon the violation by the holder of any of the terms of this ordinance.

Where the grading form of the ordinance is in effect, it is not the intent of this section to require annual permit. In such cases the permit is of value primarily as a registration device. It permits the health officer to prosecute any persons who begin operating a restaurant without notifying him, and thus without being graded. The grading principle of the ordinance makes it unnecessary that the permit be renewed annually, inasmuch as the continuous announcement of grades through grade placards as determined by periodic inspection is equivalent to the periodic granting of permits.

Where the non-grading form of the ordinance is in effect, the health officer may find it advantageous to require annual permits, and to refuse to issue or renew such permits unless the ordinance requirements are satisfied.

(SECTION 3. PLACARDING OR PUBLIC DISPLAY OF GRADE NOTICE

Every restaurant shall display at all times, in a place designated by the health officer, a notice approved by the health officer, stating the grade of the establishment.)[2]

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[1]Insert title of legally constituted health authority.

[2]See footnote 1, p. 5.

Where the grading form of the ordinance is in effect and restaurants of a grade lower than grade A are permitted to operate, it is imperative that the health officer rigidly enforce proper grade display by all restaurants and similar establishments, in order that customers may be informed of the grade thereof. The grade display is the means whereby the competitive effect of grading tends to improve restaurant sanitation.

Immediately upon the degrading of any restaurant the health officer should require that all grade displays be changed. This may be done by means of rubber stamps or stickers indicating the lower grade. The health officer should carry with him on all inspections the necessary rubber stamps and stickers.

The grade notice may be displayed on menu cards or boards or upon a separate placard, and shall be of a type and in a location approved by the health officer as being readily visible to the patrons. A suggested form of placard is shown below:

(Name of establishment)
(Address)

Complies with sanitation standards for

GRADE _____ RESTAURANT

U.S.P.H.S. STANDARD (1940)

(Or _____ Health Department Standard)

SECTION 4. EXAMINATION AND CONDEMNATION OF UNWHOLESOME OR ADULTERATED FOOD OR DRINK

Samples of food and drink may be taken and examined by the health officer as often as he deems necessary for the detection of unwholesomeness or adulteration. The health officer may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which he deems unwholesome or adulterated.

While this section authorizes the health officer to examine and condemn food or drink which he deems unwholesome or adulterated, the local health officer will usually find it most practicable to limit such action to spoiled foods, those suspected of having caused or being able to cause food-poisoning outbreaks, or other conditions which may involve an immediate health hazard, and to refer those cases of suspected adulteration and misbranding which involve no immediate health hazard to the State food control officials or to the U. S. Food and Drug Administration.

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[1] See footnote 1, p. 5.

When cases of food poisoning are reported an immediate epidemiological and laboratory investigation should be made by the local or State health department in an effort to determine the vehicle and the source so as to prevent a recurrence. Section 11 gives the health officer full power to act when infection is suspected. The procedure to be followed in food-poisoning outbreaks is discussed in Food Control by J. H. Shrader (1939), pp. 63-69.

Samples for the determination of adulteration and misbranding should be taken and examined in accordance with the methods prescribed by the Association of Official Agricultural Chemists.

SECTION 5. INSPECTION OF RESTAURANTS

At least once every 6 months the health officer shall inspect every restaurant located within the city of _____. In case the health officer discovers the violation of any item of sanitation required for the grade then held, he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the (grade)[1] requirements of this ordinance. Any violation of the same item of this ordinance on two consecutive inspections shall call for immediate (degrading or)[1] suspension of permit.

One copy of the inspection report shall be posted by the health officer upon an inside wall of the restaurant, and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the health department.

The first sentence of this section should not be taken to imply that one inspection every 6 months is a desirable frequency. It should instead be regarded as the legal minimum. In actual practice it is desirable to inspect every restaurant at least every 3 months.

Special attention is directed to the requirement that a restaurant shall be immediately degraded and the grade notice changed, or the permit suspended, if two successive inspections disclose violation of the same item.

Experience has demonstrated conclusively that a strict enforcement of the ordinance leads to a far better and more friendly relationship between the health officer and the industry than does a policy of enforcement which seeks to excuse violations and defer punishment therefor. The inspector's criterion of satisfactory compliance should be neither too lenient on the one hand nor unreasonably stringent on the other. Violations of minor or insignificant degree should not be entered as a violation on the inspection form but should be called to the management's attention and should be entered as a remark.

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[1]See footnote 1, p. 5.

A restaurant inspection form (Form .....) based on the requirements of this edition of the ordinance and code has been prepared and will eventually be available for purchase from the Superintendent of Documents, Government Printing Office, Washington, D. C.

The inspector should not fail to post one copy of the inspection report at the restaurant. If inspections are made in the absence of the owner or manager the inspection report should be posted nevertheless, but in addition a written notification should be mailed to the owner or manager.

SECTION 6. (THE GRADING OF RESTAURANTS

The grading of all restaurants shall be based upon the following standards.)[1]

SANITATION REQUIREMENTS FOR (GRADE A)[1] RESTAURANTS

All (grade A)[1] restaurants shall comply with all of the following items of sanitation.

A convenient summary of the following sanitation requirements for restaurants will be found in the restaurant inspection form (see section 5).

ITEM 1. FLOORS

The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

Public-health reason.- Properly constructed floors which are in good repair can be more easily kept clean than improperly constructed floors. Kitchen floors having an impervious surface can be cleaned more easily than floors constructed of wood or other pervious or easily disintegrated material, will not absorb organic matter, and are, therefore, more likely to be kept clean and free of odors. Clean floors are conducive to clean food-handling methods.

Satisfactory compliance.- This item shall be deemed to have been satisfied:

(1) When the floors of all rooms in which food or drink is stored, prepared, or served are of such construction as to be easily cleaned, are smooth, and are in good repair. Floors may be of concrete, terrazzo, tile, etc., or wood covered with linoleum, or tight wood. If floor drains are used they shall be provided with proper traps so constructed as to minimize clogging.

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[1]See footnote 1, p. 5.

(2) When all floors are kept clean and free from litter during the hours of preparing, cooking and serving of food.

ITEM 2. WALLS AND CEILINGS

Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

Public-health reason.- Painted or otherwise properly finished walls and ceilings are more easily kept clean and are therefore more likely to be kept clean. A light-colored paint or finish aids in the even distribution of light and the detection of unclean conditions. Clean walls and ceilings are conducive to clean food-handling operations.

Satisfactory compliance.- This item shall be deemed to have been satisfied if:

(1) Walls and ceilings of all rooms in which food or drink is stored, prepared, or served are clean and in good repair.

(2) Walls and ceilings of all rooms in which food or drink is prepared or stored are painted or finished in light color and refinished as often as necessary in a manner approved by the health officer.

(3) The walls of all kitchens and scullaries have a smooth, washable surface up to the level reached by splash or spray, especially splash or spray from the dish-washing vats or machine. Evidence of splash or spray above the impervious surfacing shall be deemed a violation of this item and shall be sufficient cause to require additional impervious surfacing.

ITEM 3. DOORS AND WINDOWS

When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

Public-health reason.- Flies may contaminate the food with disease organisms, thus nullifying the effectiveness of all other public health safeguards.

Satisfactory compliance.- This item shall be deemed to have been satisfied if:

(1) All openings to the outer air are effectively screened with not less than 16-mesh wire cloth; and all doors are self-closing and screen doors to the outer air open outward; or

(2) Fans of sufficient power to prevent the entrance of flies are in use at all otherwise ineffectively protected openings; or

(3) Flies are absent.

Window and door screens must be tight-fitting and free of holes. This includes the screens for skylights and transoms.

This item must be satisfied during the seasons of the year when flies are prevalent.

ITEM 4. LIGHTING

All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.

Public-health reason.- Ample light promotes cleanliness.

Satisfactory compliance.- This item shall be deemed to have been satisfied if artificial light sources are provided equivalent to at least 10 foot-candles at a distance of 30 inches from the floor, as measured by a suitable light meter (which may be purchased at reasonable cost or borrowed from the local power and light company), and are in use except when equivalent natural light is present. This requirement does not apply to the dining room.

ITEM 5. VENTILATION

All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated.

Public-health reason.- Proper ventilation reduces odors, condensation upon interior surfaces, and smudging of walls and ceilings.

Satisfactory compliance.- This item shall be deemed to have been satisfied if all rooms are adequately ventilated so as to be reasonably free of disagreeable odors and condensation. Ventilation equipment supplementary to windows and doors, such as adequate exhaust fans or stove-hoods, shall be provided if necessary. This requirement shall not apply to cold storage rooms.

ITEM 6. TOILET FACILITIES

Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees conforming with the ordinances of the city of _____. In restaurants hereafter constructed toilet rooms shall not open directly into any room in which food, drink, or utensils are handled or stored. The doors of all toilet rooms shall be

self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees. In case privies or earth closets are permitted and used, they shall be separate from the restaurant building, and shall be of a sanitary type constructed and operated in conformity with the standards of the State board of health.

Public-health reason.- The need for toilet facilities and the necessity for protecting the food from toilet-contaminated hands and flies are obvious.

Satisfactory compliance.- This item shall be deemed to have been satisfied if:

(1) Adequate toilet facilities conveniently located and complying with the city plumbing code are provided for employees.

(2) In restaurants hereafter constructed the toilet room does not open directly into any room in which food, drink, or utensils are handled or stored.

(3) The toilet-room doors are provided with springs or checks to make them self-closing.

(4) The toilet room and fixtures are kept clean, sanitary, in good repair, and free from flies.

(5) The toilet room is well lighted, and ventilated to the outside air.

(6) Durable, legible signs are posted conspicuously in each toilet room directing employees to wash their hands before returning to work. Such signs may be stencilled on the wall to prevent removal.

A booth open at the top shall not qualify as a toilet room.

Privies shall be constructed and operated in accordance with the standards of the State board of health.

ITEM 7. WATER SUPPLY

The water supply shall be easily accessible to all rooms in which food is prepared or utensils are washed, and shall be adequate, and of a safe sanitary quality.

Public-health reason.- The water supply should be accessible so as to encourage its use in cleaning operations; it should be adequate so that cleaning and rinsing will be thorough; and it should be of safe, sanitary quality in order to be suitable for drinking and to avoid the contamination of food and utensils.

Setisfactory compliance.- This item shall be deemed to have been satisfied if:

(1) All rooms in which food is prepared or utensils are washed are provided with an adequate number of water outlets.

(2) The water supply is ample in quantity to insure proper cleaning of floors, equipment, and utensils.

(3) The water supply conforms with the construction, operation, and sanitation standards of the State board of health.

ITEM 8. LAVATORY FACILITIES

Adequate and convenient hand-washing facilities shall be provided, including warm water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

Public-health reason.- The use of washing facilities and sanitary towels are essential to the personal cleanliness of food handlers.

Satisfactory compliance.- This item shall be deemed to have been satisfied if hand-washing facilities, including warm water, soap, and individual cloth or paper towels, are provided. Washing facilities must be adequate and convenient to the toilet rooms. Dish-washing vats shall not be accepted as washing facilities for personnel. Warm water must be on hand at all times or within a reasonable time after opening the faucets. Soap and towels should be provided by the management. No employee shall return from a toilet to a room where food, drink, or utensils are handled or stored without first having washed his hands.

ITEM 9. CONSTRUCTION OF UTENSILS AND EQUIPMENT

All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair.

Public-health reason.- If the utensils and equipment are not so constructed that they can easily be cleaned, and are not kept in good repair, it is unlikely that they will be properly cleaned.

Satisfactory compliance.- This item shall be deemed to have been satisfied if:

(1) All surfaces with which food or drink comes in contact consist of smooth, not readily corrodible material.

(2) All surfaces with which food or drink comes in contact are in good repair, free of breaks, corrosion, open seams, cracks, and chipped places.

(3) All surfaces with which food or drink comes in contact are easily accessible for cleaning, and are self-draining.

(4) All display cases, windows, counters, shelves, tables, refrigeration equipment, stoves, hoods, and other equipment are so constructed as to be easily cleaned, and are in good repair.

The above requirement precludes the use of any type of equipment so designed as to permit food or drink routinely to come in contact with v-type threaded surfaces.

In all cases where a rotating shaft is inserted through a surface with which food or drink comes in contact, the inspector shall assure himself that the joint between the moving and stationary surfaces is close fitting.

ITEM 10. CLEANING AND BACTERICIDAL TREATMENT OF UTENSILS AND EQUIPMENT

All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once.

All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

Public-health reason.- Food cannot be kept clean and safe if permitted to come in contact with containers, utensils, and equipment which have not been properly cleaned and given bactericidal treatment. The diseases which this item is intended to guard against are those in which the infective agent appears in the saliva or other body discharges.

By approved bactericidal process is meant the application of any method or substance for the destruction of pathogens and all other organisms so far as practicable, and which, in the opinion of the health officer, is effective and does not adversely affect the equipment or the food or drink or the health of the consumer.

Satisfactory compliance.- This item shall be deemed to have been satisfied if:

(1) All equipment, including display cases and windows, counters, shelves, tables, meat-blocks, refrigerators, stoves, and hoods, are kept clean and free from dust, dirt, insects, and other contaminating material.

(2) All tablecloths, napkins, and cloths used by waiters, chefs, and other employees are clean.

(3) Single-service articles, such as paper cups, plates, straws, and milk bottle caps, are used once only.

(4) All multi-service eating and drinking utensils are thoroughly cleaned after each usage, and all multi-use utensils used in the preparation or serving of food and drink are thoroughly cleaned immediately following the day's operation, in such manner as to be clean to the sight and touch.

The cleaning may be accomplished by the use of warm water (110° F. to 120° F.) containing an adequate amount of an effective soap or detergent to remove grease and solids. The soapy wash water should be changed at sufficiently frequent intervals to keep it reasonably clean. Careful scraping or prerinsing of dishes to remove the gross food particles before washing will make it possible to keep the wash water clean for a longer time between changes and to maintain a sufficient concentration of the detergent.

(5) After cleaning, all such utensils are effectively subjected to one or more of the following or other equivalent approved bactericidal processes:

(a) Immersion for at least 2 minutes in clean, hot water at a temperature of at least 170° F. or for 1/2 minute in boiling water. Unless actually boiling water is used an approved thermometer shall be available convenient to the vat. The pouring of scalding water over washed utensils shall not be accepted as satisfactory compliance.

It is recommended that, wherever practicable, bactericidal treatment should be obtained through the use of hot water in the manner above described. For this method of bactericidal treatment two adjacent deep sinks should be provided and fitted with a porcelain, metal, or other impervious drainboard. If difficulty is experienced in obtaining clean-looking glasses, it is recommended that greater manual effort be applied, or that a more efficient detergent be tried, or that the rinse water be changed more frequently, or that a three-compartment vat be used. After washing, the glasses, dishes, etc., should be placed in metal baskets and immersed in the hot water for the required period of time. Baskets may be lined with wooden strips to prevent marking of the chinaware. Upon removal from the hot water they should remain in the baskets until dry and then stored in such manner as not to become contaminated before again being used.

Where hot water is used for bactericidal treatment there shall be provided a hot water heater (preferably controlled by a thermostat) capable of maintaining a water temperature of at least 170° F. in the vat at all times during business hours. The heating device may be integral with the immersion vat. It is considered that even in the case of roadside stands hot water may be obtained through the use of gasoline or kerosene stoves, which may, if the wash and rinse vats are correctly constructed, be placed directly thereunder.

Care shall be taken in the bactericidal treatment of containers by immersion in hot water or chlorine rinse to prevent the trapping of air in the container, thus preventing contact with the entire surface of the container. This may be accomplished by placing all glasses, cups, plates, and saucers, in a venting position so that air will not be trapped.

(b) Immersion for at least 2 minutes in a lukewarm chlorine rinse containing at least 50 ppm of available chlorine if hypochlorites are used, or a concentration of equal bactericidal strength if chloramines are used. The rinse should be made up at a strength of 100 ppm or more of hypochlorites and shall not be used after its strength has been reduced to 50 ppm.

Solutions made from compounds containing chloramine or chloramine-T have a slower bactericidal action than hypochlorites containing equal concentrations of available chlorine. The former must therefore be made up to a sufficiently greater strength to produce a bactericidal effect within the required exposure period equivalent to that of the above hypochlorite concentration. The chloramine and chloramine-T concentration necessary will vary with the different compounds.

Chlorine solutions once used shall not be reused for bactericidal treatment on any succeeding day, but may be reused for other purposes.

Where chlorine treatment is used a three-compartment vat shall be required, the first compartment to be used for washing, the second for plain rinsing, and the third for chlorine immersion; provided that for existing installations the second or rinsing compartment may be omitted if a satisfactory rinsing or spraying device is substituted. This will prevent the excessive consumption of chlorine by organic matter and washing compound carried over from the washing compartment. The first basket of utensils will remain in the chlorine rinse for at least 2 minutes while the second basket is in the plain rinse and the third basket is being washed. Upon removal from the chlorine rinse the utensils may be rinsed in clean running water, if desired, and allowed to dry either in the basket or inverted on a drain shelf or tray.

Silver and silver-plated tableware should not be treated with chlorine as silver chlorides are formed which blacken the silver.

The health officer shall satisfy himself by frequent test that the chlorine rinse in actual use is of the required strength. The following test suitable for this purpose has been devised by the Sanitation Section of the United States Public Health Service:

The test for chlorine strength makes use of the fact that when the proper amount of o'tolidin is added to a chlorine solution containing 20 parts per million or more a precipitate is formed, except that in the case of certain chloramines the solution becomes cloudy at chlorine concentrations having a 2-minute bactericidal strength equivalent to at least the bactericidal strength of 20 parts per million of available chlorine in the form of hypochlorite.

The testing outfit consists of two test tubes 7/16 by 4 inches, one of which contains o'tolidin. (For composition of o'tolidin solution see Standard Methods of Water Analysis published by the American Public Health Association.) The other is fitted with a medicine dropper and is used for testing the chlorine solution. It is etched at the 2 cc and 5 cc levels so as to make possible the dilution of the solution to be tested to two-fifths of its original strength, thus diluting an original solution of 50 parts per million or more to one of 20 parts per million or more, which, as above stated, is the critical point for the formation of the precipitate when hypochlorites are tested. Before any tests are made with the apparatus the medicine dropper should be tested to determine whether it delivers drops of the proper size. To do this, simply count the number of drops required to fill to the first mark of the testing tube. If the number required lies between 30 and 50 the dropper is satisfactory. If not, discard it and secure one of the proper size.

The test procedure is as follows: Rinse the testing tube and its dropper thoroughly with clean water. Fill the testing tube to the lower mark with the chlorine solution to be tested, using the dropper for this purpose. Avoid including floating particles. Fill to the second mark with clean water, using the dropper for this purpose. Add 1 drop of o'tolidin. Hold the upper part of the testing tube firmly with one hand and tap the lower end of it sharply 50 times with one or two fingers of the other hand. If, in the case of hypochlorites, reddish or brownish particles separate out within 5 minutes, the solution tested contains at least 50 parts per million of available chlorine. If, in the case of certain chloramines the solution becomes cloudy within 5 minutes, the solution tested has a bactericidal strength for a 2-minute exposure equivalent to at least the bactericidal strength of 50 parts per million of available chlorine in the form of hypochlorite.

In order to determine whether a certain commercial preparation is strong enough for dairy use when mixed as directed on the label, the inspector should mix a portion as directed, then dilute half and half, and test for 50 parts per million by means of the above-described test. If a precipitate appears, the directions upon the label result in a solution containing at least 100 parts per million in the form of hypochlorites or the bactericidal equivalent thereof and may be approved. Otherwise, such larger quantity of the stock solution should be used as will give a satisfactory test.

(c) Exposure in a steam cabinet equipped with an indicating thermometer located in the coldest zone to at least 170° F. for at least 15 minutes, or to at least 200° F. for at least 5 minutes. For a discussion of steam cabinets see item 14r of the U. S. Public Health Service Milk Code. Steam cabinets should be provided with a valve to permit the discharge of cold air when steam is admitted.

(d) Exposure in a properly designed oven or hot-air cabinet equipped with an indicating thermometer located in the coldest zone to hot air at a temperature of at least 180° F. for at least 20 minutes.[1]

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[1] See Studies of the Bactericidal Treatment of Milk Cans - Hot-Air Cabinets, Public Health Reports, Mar. 4, 1938 (Reprint No. 1912).

Equipment that is too large to immerse may be treated (1) with live steam from a hose, in the case of equipment in which steam can be confined, (2) by boiling water rinse, or (3) by spraying or swabbing with chlorine solution of approved strength.

Health officers should check with a thermometer[1] the actual temperatures used in the methods which employ heat as the bactericidal agent. If washing machines are used the temperatures of both the wash water and the rinse water should be checked. For all bactericidal processes the actual period of exposure to the temperature or the chlorine rinse should be checked to determine compliance. To promote adequate exposure, restaurants should be encouraged to provide a sufficient supply of glasses, dishes, cups, and tableware, particularly where the process employed requires a long exposure period.

Drying cloths, if used, shall be clean and shall be used for no other purpose. It is recommended that wherever possible utensils be permitted to drain dry without the use of drying cloths.

In washing machines the use of strong alkalis and higher wash water temperatures makes it possible to employ a shorter exposure period for the final treatment. In such cases the above standards for bactericidal treatment will not apply, and the health officer should resort to other methods, such as the following, for determining actual results obtained.

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[1]The following specifications for inspectors' milk temperature thermometers are designed to make this a general-purpose thermometer suitable for determining not only refrigeration temperatures but also bactericidal treatment temperatures at dairies and restaurants.

Inspectors' general-purpose thermometers

Type.- Pocket type, mercury actuated.

Magnification of mercury column.- To apparent width of not less than one-sixteenth inch.

Scale range.- 30° to 212° F. with extension either side permissive.

Temperature represented by smallest scale division.- 2° F.

Number of degrees per inch of scale.- Not more than 52.

Accuracy.- Within 2° F., plus or minus.

Case.- Metal, provided with suspension ring and fountain-pen clip.

Bulb.- Corning normal, or equally suitable thermometric glass.

Where bacteriological laboratory facilities are available, the following proposed standard procedure for bacteriological examination of cleansed and disinfected utensils, provisionally established by the Subcommittee on Standard Methods for the Examination of Dishwashing Devices of the American Public Health Association[1], is recommended:

(1) By the multiple spoon test. Ten spoons are placed in a pint jar containing 200 cc of sterile salt solution and agitated for 2 minutes.

(2) By the multiple glass test. Ten glasses are examined by passing a damp swab three times around the inside rim and three times around the outside rim of each glass, and the swab is agitated between the swabbing of each successive glass in a test tube containing 10 cc of salt solution. Thus the test tube contains the pooled washings from 10 glasses.

(3) By the multiple plate test. Ten plates are examined by passing a damp swab over a 4 square inch area of each plate and the swab is agitated between the swabbing of successive plates in 10 cc of sterile salt solution.

(4) The bacterial suspensions from the three foregoing types of utensils are each plated in the usual manner and the number of organisms per utensil is thereby determined.

(5) The bacterial count should not exceed 500 organisms per utensil surface area examined. (More recent work indicates that a standard of 100 is readily attainable, and this standard is therefore recommended.)

ITEM 11. STORAGE AND HANDLING OF UTENSILS AND EQUIPMENT

After bactericidal treatment no utensil shall be stored except in a clean dry place protected from flies, dust, or other contamination, and no utensil shall be handled except in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean dry place until used, and shall be handled in a sanitary manner.

Public-health reason.- If utensils and equipment are not protected from contamination the value of bactericidal treatment may be nullified.

Satisfactory compliance.- This item shall be deemed to have been satisfied if:

(1) All containers and utensils are stored at a sufficient height above the floor in a clean dry place protected from flies, splash, dust, and other contamination. Wherever practicable containers and utensils shall be covered or inverted.

(2) Drain racks, trays, and shelves are made of not readily corrodible material, and are kept clean.

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[1]A.P.H.A. Year Book, 1936-1937, p. 48.

(3) Containers and utensils are not handled by the surfaces which come in contact with food or drink. Any equipment touched by the inspector shall be again subjected to bactericidal treatment before being used.

(4) Paper cups, plates, straws, and other single-service containers and utensils are purchased in sanitary cartons and stored therein in a clean dry place until used, and after removal from the cartons these articles are handled in a sanitary manner. Laundered cloths shall be stored in a clean place until used.

(5) Spoons, spatulas, dippers, etc., used for dispensing frozen desserts are, when not in use, kept either in water maintained at 170° F. or in running water.

ITEM 12. DISPOSAL OF WASTES

All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such manner as not to become a nuisance.

Public-health reason.- All garbage, refuse, and liquid wastes resulting from the normal operation of a food or drink establishment should be properly disposed of so as not to become a nuisance or a public-health menace.

Satisfactory compliance.- This item shall be deemed to have been satisfied if:

(1) All liquid wastes resulting from the cleaning and rinsing of utensils and floors, from flush toilets, and from lavatories are disposed of in a public sewer or, in the absence of a public sewer, by a method approved by the State board of health. Grease traps are recommended where much grease is discharged.

(2) All plumbing complies with the city plumbing ordinances and is so designed and installed as to prevent contamination of the water supply through interconnections and back-siphonage.

(3) All garbage is kept in tight, non-absorbent and easily washable receptacles which are covered with close-fitting lids while pending removal.

(4) All garbage, trash, and other waste material are removed from the premises as frequently as may be necessary to prevent nuisance and unsightliness, and are disposed of in a manner approved by the health officer.

(5) All garbage receptacles are washed when emptied, and treated with a disinfectant if necessary, to prevent nuisance.

ITEM 13. REFRIGERATION

All readily perishable food or drink shall be kept at or below 50° F. except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of.

Public-health reason.- Usually the bacteria in food are harmless, and if this were always true there would be no reason to refrigerate food except to prevent spoilage. There is, however, no way to be sure that pathogenic bacteria have not entered the food (even though observance of the other items of this ordinance will much reduce this likelihood). The likelihood of contracting disease may be increased when the food contains large numbers of disease producing organisms. For this reason perishable foods should be kept cold so that any small number of disease producing bacteria which may have entered will not be permitted to multiply.

Satisfactory compliance.- This item shall be deemed to have been satisfied when:

(1) All readily perishable food or drink is kept at or below 50° F. except when being prepared, kept warm, or served. This shall include all cream-filled pastries.

(2) All ice used is from a source approved by the health officer and is stored and handled in such manner as to prevent contamination. Water used to wash ice shall comply with the safety standards of item 7.

(3) All waste water from refrigeration equipment drains into an open sink or drain, properly trapped and sewer connected; provided that where sewer connections are not available clean adequate water-tight drip pans may be used, or the drainage is disposed of in a manner approved by the health officer.

ITEM 14. WHOLESOMENESS OF FOOD AND DRINK

All food and drink shall be wholesome and free from spoilage. All milk, fluid milk products, ice cream, and other frozen desserts served shall be from sources approved by the health officer. Milk and fluid milk products shall be served in the original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device: Provided, That this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service. All oysters, clams, and mussels shall be from approved sources.

Public-health reason.- Unwholesome or spoiled food or drink may be harmful to the consumer.

Satisfactory compliance.- This item shall be deemed to have been satisfied when:

(1) All food and drink are wholesome and free from spoilage. The term "food and drink" shall include condiments, dressings, and sauces.

(2) All milk, fluid milk products, ice cream, frozen custard, sherbet, ices, and similar frozen desserts served are from sources approved by the health officer.

(3) All milk and fluid milk products are served in the original containers in which they were received from the distributor, or from a bulk container equipped with an approved dispensing device complying with the following specifications:

(a) It shall comply with the requirements of item 9, construction of utensils and equipment.

(b) No surfaces with which milk or milk products come in contact shall while in use be accessible to manual contact, droplet infection, dust, or flies, but the delivery orifice may be exempted from this requirement.

(c) All parts of the dispensing device with which milk comes in contact, including any measuring device, shall be cleaned and subjected to bactericidal treatment at the milk plant, not at the retail vendor's establishment.

(d) The dispensing device shall be filled and sealed with two seals at the milk plant in such manner as to make it impossible to withdraw any part of its contents without breaking one seal and impossible to introduce any substance without breaking the other.

(e) It shall mix the milk and cream thoroughly and automatically with each dispensing operation. This requirement may be waived in the case of milk products which remain homogeneous without mixing.

In the case of milk drinks mixed at soda fountains, etc., this provision shall be interpreted as requiring that the milk used shall include the entire contents of the original container or shall be from an approved bulk dispenser. Mixing of milk drinks shall be done in a sanitary manner.

In enforcing this item the health officer may make an exception in the case of cream served with coffee, cereals, etc., as in this case it is impracticable to serve in the original container because of the fact that it is impossible for the distributor to deliver cream to the establishment in the unit-size containers which would be required in each case. Furthermore, the use of expensive bulk dispensers as described above may not be a defensible requirement for all soda fountains, restaurants, and similar establishments in the case of cream used for coffee, cereals, etc. For such service the health officer may permit transferring from the original bottle, or from a pump, urn, or other dispenser which complies with requirements (a) and (b) above, and which is filled in a sanitary manner, kept clean, and frequently subjected to bactericidal treatment complying with the requirements of item 10.

(4) All oysters, clams, and mussels are from a source approved by the State health department, provided that if the source is outside the State the shipper's name shall be on the current lists issued by the U. S. Public Health Service.

ITEM 15. STORAGE AND DISPLAY OF FOOD AND DRINK

All food and drink shall be so stored and displayed as to be protected from dust, flies, vermin, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies shall be used.

Public-health reason.- Food or drink not properly protected from contamination may become a public-health hazard.

Satisfactory compliance.- This item shall be deemed to have been satisfied if:

(1) All food and drink are stored in such manner as to be protected from dust, flies, vermin, unnecessary handling, droplet infection, overhead leakage, sewage back-flow, and other contamination. Evidence of the presence of rodents, roaches, ants, and other vermin shall be considered as violating this item. Serving of sliced butter and cracked ice shall not be by direct contact with fingers or hands. Bottled milk and other beverages in non-leakproof containers shall not be submerged in water for cooling. Food or drink shall not be stored on floors which are subject to flooding from sewage back-flow, such as those below street level. On new construction the location of a restaurant in a basement below the surface of the ground shall be discouraged.

(2) All unwrapped or unenclosed food and drink on display are protected by glass or otherwise from public handling or other contamination, except that approved hand openings for self-service may be permitted on counter fronts.

(3) Dustless methods of floor cleaning are used, or dust-arresting sweeping compounds and push-brooms are employed; and all except emergency floor cleaning is done during those periods when the least amount of food and drink is exposed, such as after closing or between meals.

(4) No animals or fowls are kept or allowed in any room in which food or drink is prepared or stored.

(5) All supplementary means necessary for the elimination of flies, such as fly-repellent fans, fly paper, fly traps, or fly-killing sprays or powders, are employed.

ITEM 16. CLEANLINESS OF EMPLOYEES

All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment.

Public-health reason.- Clean clothing and clean hands reduce the likelihood of contaminating food, drink, and utensils during handling.

Satisfactory compliance.- This item shall be deemed to have been satisfied if:

(1) The outer garments of all persons, including dishwashers, engaged in handling food or utensils are reasonably clean and are used for no other than restaurant duty. Clean uniforms, coats, or aprons shall be considered satisfactory.

(2) The hands of all persons are kept clean while engaged in handling food, drink, utensils, or equipment.

ITEM 17. MISCELLANEOUS

The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

The reasons for these requirements are obvious.

(GRADE B RESTAURANTS

Grade B restaurants are those which fail to comply with items 1, 2, 3, 4, 5, or 17, but which conform with all other items of sanitation required for grade A restaurants.)[1]

Where the grading form of the ordinance is in effect, the above definition is designed to represent restaurants which fail to meet certain grade A requirements that are not of major public health significance. (Restaurants which fail to meet any one of the more important of the grade A requirements on two successive inspections are degraded to grade C.)

In communities which are not yet in position to limit operations to restaurants of the highest grade only, this definition serves as the specifications for the second grade.

In other municipalities, which under section 7 permit none but grade A restaurants to operate (except during temporary degrading periods), grade B serves a useful role as a penalty grade to which grade A restaurants may be temporarily degraded for minor violations which the health officer would hesitate to punish with so severe a penalty as suspension of permit.

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[1]See footnote 1, p. 5.

(GRADE C RESTAURANTS)

Grade C restaurants are those which fail to comply with either the grade A or the grade B requirements.)[1]

Where the grading form is in effect, this definition is designed to serve as a temporary penalty grade for those restaurants which fail to satisfy the grade A or the grade B requirements. If any restaurant which has been degraded to grade C fails to qualify for a higher grade within the period specified in section 7, its permit is suspended or revoked.

ITINERANT RESTAURANTS

Itinerant restaurants shall be constructed and operated in a manner approved by the health officer.

The definition of an itinerant restaurant is given in section 1 (B).

Section 2 provides that a person conducting an itinerant restaurant may, in the discretion of the health officer, be exempted from the requirement of securing a permit.

The health officer should approve an itinerant restaurant only if it complies with the following sanitation requirements:

It shall be located in clean surroundings and kept in a clean and sanitary condition. It shall be so constructed and arranged that food, drink, utensils, and equipment will not be exposed to insects or to dust or other contamination. Only food and drink which is clean, wholesome and free from adulteration shall be sold or served. An adequate supply of water of safe sanitary quality shall be easily available and used for drinking and for cleaning utensils and equipment. If multi-use utensils are used in the serving of food or drink, they shall be thoroughly washed with hot water and a satisfactory detergent and rinsed with clean water after each use and so handled and kept as to be protected from contamination. Adequate provision shall be made for refrigeration of perishable food and drink. Ice used in or with food or drink shall be from a source approved by the health officer and so handled as to avoid contamination.

Garbage and refuse shall be kept in tightly covered, water-tight containers until removed and shall be disposed of in a place and manner approved by the health officer. Dish water and other liquid wastes shall be so disposed of as not to create a nuisance.

No person suffering from any disease transmissible by contact or through food or drink or who is a carrier of the germs of such a disease

[1]See footnote 1, p. 5.

shall be employed in any capacity. Adequate and satisfactory toilet and hand-washing facilities shall be readily accessible to employees. No person engaged in the handling or serving of food or drink shall return to his work, after using the toilet, without first thoroughly washing his hands.

Upon failure of any person maintaining or operating an itinerant restaurant, after warning, to comply with any of these requirements, it shall be the duty of the health officer summarily to forbid the further sale or serving of food or drink therein. Any person continuing to sell or serve food or drink in such a restaurant after being so forbidden, shall be subject to the penalties provided for violation of this ordinance.

SECTION 7. (GRADES OF)[1] RESTAURANTS WHICH MAY OPERATE

From and after 12 months from the date on which this ordinance takes effect no restaurant shall be operated within the city of _____, or its police jurisdiction, unless it conforms with the (grade A, or grade B[2], or approved itinerant restaurant)[1] requirements of this ordinance: Provided, That when any restaurant fails to qualify (for any of these grades)[1] the health officer is authorized to revoke the permit (or in lieu thereof to degrade the restaurant and permit its operation during a temporary period not exceeding 30 days)[1].

SECTION 8. REINSTATEMENT OF PERMIT (; SUPPLEMENTARY REGRADING)[1]

Any restaurant (the grade of which has been lowered, and all grade displays have been changed accordingly, or)[1] the permit of which has been suspended may at any time make application for (regrading or)[1] the reinstatement of the permit.

Within one week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated item or items of the specifications have been conformed with, the health officer shall make a reinspection, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the (higher grade)[1] requirements, and, in case the findings indicate compliance, shall (award the higher grade or)[1] reinstate the permit.

No application for regrading upward should be considered by the health officer unless the restaurant in question has complied with the requirements and interpretation of section 4 of this ordinance relative to the display of grade signs after having been degraded.

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[1]See footnote 1, p. 5.

[2]Municipalities in position to do so may delete ", or grade B,".

SECTION 9. POISONOUS SUBSTANCES

No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleansing or polishing of utensils.

SECTION 10. NOTIFICATION OF DISEASE

Notice shall be sent to the health officer immediately by the restaurant manager or by the employee concerned if he or any employee contracts any infectious, contagious, or communicable disease, or has a fever, a skin eruption, a cough lasting more than 3 weeks, or any other suspicious symptom. It shall be the duty of any such employee to notify the restaurant manager immediately when any of said conditions obtain, and if neither the manager nor the employee concerned notifies the health officer immediately when any of said conditions obtain they shall be held jointly and severally to have violated this section. A placard containing this section shall be posted in all toilet rooms.

SECTION 11. PROCEDURE WHEN INFECTION SUSPECTED

When suspicion arises as to the possibility of transmission of infection from any restaurant employee the health officer is authorized to require any or all of the following measures: (1) the immediate exclusion of the employee from all restaurants; (2) the immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the health officer; (3) adequate medical examinations of the employee and of his associates, with such laboratory examinations as may be indicated.

SECTION 12. ENFORCEMENT INTERPRETATION

This ordinance shall be enforced by the health officer in accordance with the interpretations thereof contained in the 1940 edition of the U. S. Public Health Service Code Regulating Eating and Drinking Establishments, a certified copy of which shall be on file at the City Clerk's office.[1]

SECTION 13. PENALTIES

Any person who violates any provision of this ordinance shall be fined not more than _____ at the discretion of the court having

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[1]See footnote 2, p. 1.

jurisdiction. Each and every violation of the provisions of this ordinance shall constitute a separate offense.

This section must be worded in accordance with the city charter and the State constitution. Where legally possible the desirability is suggested of prescribing a minimum fine and an increase in fine for second and subsequent offenses.

SECTION 14. REPEAL AND DATE OF EFFECT

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect immediately upon its adoption and its publication as provided by law.

SECTION 15. UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason the remainder of said ordinance shall not be affected thereby.